

In the Court of Appeals of the State of Alaska

Raymond Charles Katchatag,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-12431**

Order

Affirming Clerk's Decision to Enter
Judgment for Costs of Appointed
Attorney

Date of Order: **January 29, 2020**

Trial Court Case No. **3AN-07-03606CR; 3AN-13-02926CR**

The Appellant, Raymond Charles Katchatag, appealed his convictions and his sentence to this Court. In *Katchatag v. State*, Summary Disposition No. 0020 (April 21, 2019), this Court affirmed both Katchatag's convictions and sentence.

Mr. Katchatag was represented by counsel at public expense in this appeal. Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to "enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant's conviction was reversed by the appellate court." Because Mr. Katchatag was represented by court-appointed counsel in this appeal, because Mr. Katchatag's appeal was a merit and sentence appeal — and because Mr. Katchatag's conviction was not reversed — the Appellate Court Clerk's Office notified Mr. Katchatag that it intends to enter judgment against him in the amount of \$2,000 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6).

Mr. Katchatag now seeks judicial review of the Appellate Clerk's decision. *See* Alaska Appellate Rule 503(h)(2)(A).

Appellate Rule 209(b)(5) and (6) require criminal defendants whose convictions are not reversed on appeal to reimburse to the government a portion of the

cost of the attorneys who represent them at public expense. In his opposition to the entry of judgment for the cost of appellate counsel, Mr. Katchatag asserts that he is indigent and has been in a segregated housing unit for five years without a job.

In his subsequent request for judicial review of the Clerk's Notice of Intent, Mr. Katchatag asserts that a petition for hearing was filed in this case, and that the Clerk wrongly intends to enter the cost of counsel for this action. While it is true that a petition for hearing was filed in this case — and was denied in a Supreme Court Order dated 1/8/2020 — the Clerk's proposed judgment for the cost of counsel was not assessed for the petition for hearing, but for Mr. Katchatag's merit and sentence appeal.

Although Mr. Katchatag contends his is currently indigent, because this Court did not reverse Mr. Katchatag's conviction in this appeal, he is required to reimburse to the government a portion of the cost of the attorney who represented him at public expense. Accordingly, the decision of the Appellate Court Clerk to enter a \$2,000 judgment against Mr. Katchatag for the cost of counsel under Appellate Rule 209(b) is **AFFIRMED**.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

Ryan Montgomery-Sythe,
Chief Deputy Clerk

Distribution:

Mail:
Katchatag, Raymond
Black, Ann B

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